

vide. The City Council shall appoint, from among its members, a Vice-President, who shall, in the absence, sickness or other disqualification of the President, preside at all its sessions, and in the case of absence, sickness or other disqualification of the Mayor and the President of the City Council, shall perform all the duties of the office of Mayor during the period in which such absence, sickness or disqualification of said officers shall continue. The City Council shall judge of the election and qualifications of its members, subject to appeal by petition of the party aggrieved, to the Baltimore City Court. With the concurrence of three-fourths of all members elected, the City Council may expel any members for disorderly behavior or misconduct in office, but not a second time for the same offense. The City Council shall adopt rules of procedure not inconsistent with this Charter, appoint its own officers, regulate their respective compensation, not to exceed in the aggregate the amount appropriated by the Ordinance of Estimates, and remove them at pleasure. The City Council shall keep a journal of its proceedings and enter yeas and nays on any question, resolution or ordinance at the request of any member; and the deliberations of the City Council shall be public.

Heiskell v. M. & C. C. of Baltimore, 65 Md. 125. *Zeiler v. Central Ry. Co.*, 84 Md. 304. *Balto. City v. Gorter*, 93 Md. 8. *Cf.*, *Murdoch v. Strange*, 99 Md. 89. *West v. Musgrave*, 154 Md. 40.

Powers of Second Branch City Council. The Charter having clothed the Second Branch with plenary jurisdiction over an election contest, all the powers necessary to make the jurisdiction effective are not implied as incidentally granted. Rules of procedure are binding only upon members and upon others coming within their sphere. *Venable v. Upshur*, *Daily Record*, October 11, 1901.

P. L. L. (1860), Art. 4, sec. 33. P. L. L. (1888), Art. 4, sec. 29.

218. The Mayor and City Council of Baltimore shall have power to pass all ordinances necessary to give effect and operation to all powers vested in the corporation of the City of Baltimore.

AGENTS OF THE MUNICIPAL CORPORATION.

Adoption of Unauthorized Acts of Agents. The municipal corporation, in the absence of any required legislative formality, may ratify and adopt a contract made by its agents unauthorized, if the subject-matter thereof be within its power and control and the contract could have been previously authorized by ordinance.

Baltimore v. Weatherby, 52 Md. 442.

Implied Authority of Agents. From considerations of public policy, public corporations such as states or municipalities, are exempt in a greater degree from responsibility for implied authority founded on the conduct of those whom they employ.

Tome v. Parkersburg, 39 Md. 75.

Unauthorized Acts of Agents. A municipal corporation cannot be held liable for the unauthorized acts of its agents.

Mayor & C. C. of Baltimore v. Eschbach, 18 Md. 276.

No Presumption of Ratification. Cities and other purely municipal corporations * * * have neither property or power for purposes of personal aggrandizement * * *. They are themselves agents * * * and are not to be *presumed* to recognize and incidentally ratify and confirm acts of their officers beyond the scope of their authority.

Mayor, &c., v. Reynolds, 20 Md. 1.